

REMARKS

Claims 1, 8, 13-15, 20, 22-23, 25, 27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 will be pending in the present application upon entry of the presently made amendments.

Claim 26 has been canceled.

Claim 1 has been amended without prejudice to incorporate the limitations from Claim 26 related to the generation of exception reports.

Claim 20 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 23 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 27 has been amended without prejudice to correct its dependency from canceled Claim 26 to pending Claim 1.

Claim 33 has been amended without prejudice to correct its dependency from canceled Claim 26 to pending Claim 1.

Claim 41 has been amended without prejudice to correct its dependency from canceled Claim 26 to pending Claim 1.

Claim 42 has been amended without prejudice to correct its dependency from canceled Claim 26 to pending Claim 1.

Claim 56 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 59 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 63 has been amended without prejudice to claim the outputting of a notification of an exception report.

No new matter has been added.

Applicants reserve their right to prosecute the subject matter of any canceled claim, any amended claim, any withdrawn claim or any unclaimed subject matter in one or more related applications.

I. The Rejections Under 35 U.S.C. § 103 Should Be Withdrawn

A. Koenigbauer In View of Gil and Audimoolam Does Not Teach Every Limitation of the Rejected Claims.

Claims 1, 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Koenigbauer et al. in view of Gil et al and Audimoolam et al.

Regarding currently pending Claims 1, 63, and 69, the Examiner has stated that Koenigbauer discloses generating a product shipment configuration and a logistics plan based on the determined buyer. Applicants respectfully submit that Koenigbauer does not disclose generating a product shipment configuration and a logistics plan based on the determined buyer. Koenigbauer only discloses generating a product shipment configuration and a logistics plan based on supplier / plant / part combinations (see [0015, 0026, 0034, 0037, 0064-0065, 0127]). The supply chain management of Koenigbauer is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Accordingly, the supply chain management of Koenigbauer does not disclose the ability to generate a product shipment configurations and a logistics plan based on the determined buyer.

Regarding currently pending Claims 1, 63, and 69, the Examiner has stated that Koenigbauer discloses determining a transporter based on the determined buyer. Applicants respectfully submit that Koenigbauer does not disclose determining a transporter based on the determined buyer. Koenigbauer only discloses determining a transporter based on supplier / plant / part combinations (see [0008-0009, 0024, 0034, 0039, 0041, 0043]). The supply chain management of Koenigbauer is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Accordingly, the supply chain management of Koenigbauer does not disclose the ability to determine a transporter based on the determined buyer.

Regarding currently pending Claims 1, 63, and 69, the Examiner has stated that Koenigbauer discloses transmitting the generated logistics plan to the determined buyer, the determined seller, to the determined transporter, or to combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose transmitting the generated logistics plan to the determined buyer, the determined seller, to the determined transporter, or to combinations thereof. Koenigbauer discloses receiving information related to a logistics plan and storing that information inside a data warehouse (see [0034]). In addition, Koenigbauer discloses transporting the information related to a logistics plan to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting the generated logistics plan to a buyer, a seller, a transporter, or to combinations thereof. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose transmitting the generated logistics plan to the determined buyer, the determined seller, to the determined transporter, or to combinations thereof.

Regarding currently pending Claims 1, 63, and 69, the Examiner has stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure. As previously noted, Koenigbauer's invention is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Gil's invention is intended for external participants to more easily obtain reporting information from an enterprise partner (see [0007-0013]). As Koenigbauer and Gil are directed towards opposing problems (purely internal management and self-service external reporting), Applicants respectfully suggest that one of ordinary skill in the art would not find it obvious to modify Koenigbauer's invention with Gil's disclosure.

Regarding currently pending Claims 1, 8, 20, 23, 41, and 69, the Examiner has stated that Koenigbauer discloses the use of an access server to receive data. Applicants respectfully submit that Koenigbauer does not disclose receiving data by an access server. As Koenigbauer states, the system is comprised of at least one computer configured to receive logistics plan information, store the logistics plan information in a data warehouse, and apply logic to the information (see [0034]). Koenigbauer does not disclose, teach, or suggest specifically separating an access server from the system processor and the system data store. As Koenigbauer does not disclose the specific separation of an access server, it therefore does not disclose any limitations on the access server type, and so does not disclose wherein the access server is of a type selected from the group consisting of ftp server, e-mail server, web server, interactive voice/tone response system, fax server and combinations thereof. Accordingly, Koenigbauer does not disclose wherein the received data is received by an access server.

Regarding currently pending Claim 13, the Examiner has stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's

invention with Gil's disclosure. As previously noted, Koenigbauer's invention is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Gil's invention is intended for external participants to more easily obtain reporting information from an enterprise partner (see [0007-0013]). As Koenigbauer and Gil are directed towards opposing problems (purely internal management and self-service external reporting), Applicants respectfully suggest that one of ordinary skill in the art would not find it obvious to modify Koenigbauer's invention with Gil's disclosure.

Regarding currently pending Claims 20 and 23, the Examiner has stated that Koenigbauer discloses receiving requests or data from a buyer, from a seller or from a transporter and transmitting data in response to the received request or data. Applicants respectfully submit that Koenigbauer does not disclose receiving requests or data from a buyer, from a seller or from a transporter and transmitting data in response to the received request or data. Koenigbauer discloses receiving and storing that information inside a data warehouse (see [0022, 0034]). In addition, Koenigbauer discloses transporting information to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting data to a buyer, a seller, a transporter, or to combinations thereof. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose receiving requests or data from a buyer, from a seller or from a transporter and transmitting data in response to the received request or data.

Regarding currently pending Claims 1, 22, 25, 49, and 69, the Examiner has stated that Koenigbauer discloses wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and

combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof. As Koenigbauer states, web-based transmissions are known (see [0006]). However, Koenigbauer does not reference e-mail, ftp, fax, courier service, postal mail, telephone, pager, or combinations thereof, and so accordingly cannot disclose wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof.

Regarding currently pending Claim 41, the Examiner has stated that Audimoolam discloses further comprising the step of (o) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the recipient or combinations thereof. Applicants respectfully submit that Audimoolam does not disclose further comprising the step of (o) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the recipient or combinations thereof. Audimoolam discloses “pushing” exception reports or having them accessible from a centralized data store ([0078]). However, Audimoolam explicitly notes that, “[n]otwithstanding the exception type, the user is prompted by an exception report and traverses the planning workflow” ([0103]). Audimoolam treats all exception reports identically and therefore cannot select a delivery platform. Further, Audimoolam does not reference e-mail, ftp, fax, courier service, postal mail, telephone, pager, or combinations thereof, and so accordingly cannot disclose selecting a delivery platform for the generated exception report based upon configuration information associated with the recipient.

Regarding currently pending Claims 56 and 59, the Examiner has stated that Koenigbauer discloses transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof. As discussed above, Koenigbauer discloses receiving information related to a logistics plan and storing that information inside a data warehouse (see [0034]) and Koenigbauer discloses transporting the information related to a logistics plan to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting information externally. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof.

Regarding currently pending Claims 56 and 59, the Examiner has stated that Koenigbauer discloses wherein a notification comprises a link that upon activation by the recipient allows access to the data associated therewith. Applicants respectfully submit that Koenigbauer does not disclose wherein the notification comprises a link that upon activation by the recipient allows access to the data associated therewith. Koenigbauer discloses transmitting information internally (see [0041, 0175, 0181, 0190, 00196]). However, Koenigbauer does not disclose any

particular format of a notification, and so does not disclose wherein the notification comprises a link that upon activation by the recipient allows access to the data associated therewith.

Regarding Claim 61, the Examiner has stated that Koenigbauer discloses wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification. Applicants respectfully submit that Koenigbauer does not disclose wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification. Koenigbauer discloses transmitting information internally (see [0041, 0175, 0181, 0190, 00196]). However, Koenigbauer does not disclose any particular format of transmission, and so does not disclose wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification.

Thus, Applicants submit that the currently pending claims are in suitable condition for allowance.

B. Applicants Invented the Claimed Subject Matter Prior to Audimoolam.

Applicants request the withdrawal of the rejection of Claims 1, 8, 13-15, 20, 22-23, 25, 27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 as unpatentable under 35 U.S.C. § 103 over Koenigbauer et al in view of Gil et al and Audimoolam et al for the independent reason that Applicants invented the claimed subject matter prior to Audimoolam.

Applicants respectfully submit herewith the Declaration of Inventors under C.F.R § 1.131 antedating Audimoolam. The Examiner alleges that Audimoolam discloses generating one or more exception reports based upon the received event data and the general logistics plan and transmitting a notification of generation of the one or more exception reports to a recipient.

As discussed in the attached Declaration of Inventors, prior to April 28, 2003, the Inventors had conceived of the invention claimed in the subject application, including the

generation of exception reports and the transmission of notifications thereof, and worked diligently from their conception until the filing date of the subject application.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1, 8, 13-15, 20, 22-23, 25, 27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 as unpatentable under 35 U.S.C. § 103 over Koenigbauer et al in view of Gil et al and Audimoolam et al.

Thus, Applicants submit that the currently pending claims are in suitable condition for allowance.

Conclusion

Applicants respectfully request that the above remarks be entered in the present application file. No fee is estimated to be due in connection with this Response. In the event that any additional fee(s) is required, please charge the required fee(s) to Jones Day Deposit Account No. 50-2724.

Respectfully submitted,

Date: September 18, 2009

/Richard U. Campbell/

By: Richard U. Campbell (Reg. No. 57,914)
JONES DAY
1420 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309
(404) 581-8052